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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL LAWYERS' GUILD SAN
FRANCISCO CHAPTER, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

No. C 08-5137 RS

**STIPULATION TO EXTEND TIME
TO FILE BILL OF COSTS AND/OR
MOTION FOR ATTORNEY'S
FEES; AND ~~PROPOSED~~ ORDER**

WHEREAS, in an effort to narrow the issues before the Court,

1. Beginning in April 2009, the parties entered into a series of stipulations to stay proceedings to allow Defendants to conduct secondary searches and process potentially responsive records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the Court's intervention. As a result of those negotiations, in October 2009, the parties filed a stipulation of dismissal of this action with prejudice under Rule 41(a)(1)(A)(ii) with respect to Defendants DHS, DHS-OIG, and CIS. After further negotiations resolved all remaining merits issues, on June 29, 2011, the parties filed a stipulation of dismissal of this action with prejudice

1 under Rule 41(a)(1)(A)(ii) with respect to all remaining Defendants. At that time, the parties had
2 begun to discuss whether an award of fees and costs was appropriate in this case. On June 30,
3 2011, the Court approved the parties' stipulation to extend the deadline for Plaintiffs to file any bill
4 of costs and/or motion for attorney's fees by approximately three months, to September 30, 2011, to
5 permit those negotiations to continue. On September 29, the Court approved the parties' stipulation
6 to extend the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees by
7 approximately two months, to November 30, 2011, to permit those negotiations to continue. On
8 November 29, 2011, the Court approved the parties' stipulation to extend the deadline for Plaintiffs
9 to file any bill of costs and/or motion for attorney's fees by approximately two months, to January
10 30, 2012, to permit those negotiations to continue. On January 30, 2012, the Court approved the
11 parties' stipulation to extend the deadline for Plaintiffs to file any bill of costs and/or motion for
12 attorney's fees by approximately one month, to February 29, 2012, to permit those negotiations to
13 continue. On February 29, the Court approved the parties' stipulation to extend the deadline for
14 Plaintiffs to file any bill of costs and/or motion for attorney's fees by one week, to March 7, 2012,
15 to permit those negotiations to reach a tentative conclusion.

16 2. The parties have reached a tentative agreement, subject to client approval,
17 concerning an award of attorney's fees and costs and hope to resolve the issue without the Court's
18 intervention. Defendants do not concede that Plaintiffs are entitled to recover any fees or costs in
19 this case, and reserve all rights to oppose any bill of costs or motion for attorney's fees. Although it
20 now appears likely that judicial resolution of any dispute over fees or costs may not be necessary,
21 the parties anticipate that it will take up to two months to secure the necessary approvals and draft
22 and execute a settlement agreement; and

23 WHEREAS it would minimize litigation costs and conserve judicial resources to permit
24 the parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

25 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
26 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any
27 bill of costs and/or motion for attorney's fees shall be extended to April 30, 2012, notwithstanding
28 any local rule to the contrary.

1 Dated: March 6, 2012

2 Respectfully submitted,

3
4 JARED L. KOPEL

TONY WEST

Assistant Attorney General

5 DOMINIQUE-CHANTALE ALEPIN

JOHN R. TYLER

Assistant Branch Director

6 /s/ Lisa A. Davis

LISA A. DAVIS

7 WILSON SONSINI GOODRICH &
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/s/ Eric B. Beckenhauer

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20 Attorneys for Plaintiffs

21 **SIGNATURE ATTESTATION**

22 In accordance with General Order 45(X), I hereby attest that I have obtained
23 Eric B. Beckenhauer's concurrence in the filing of this document.
24

25 /s/ Lisa A. Davis

26 LISA A. DAVIS

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees shall be extended to April 30, 2012, notwithstanding any local rule to the contrary.

Dated: 3/7/12



RICHARD SEEBORG
United States District Judge